



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 7, 1997

Mr. John Steiner
Division Chief
City of Austin
Legal Department
P.O. Box 1088
Austin, Texas 78767-1088

OR97-0493

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 104440.

The City of Austin (the "city") received a request for its "report regarding the 1993 investigation of Shelly Pittman during his assignment as principal at Bedichek Middle School." You state that the city released to the requestor a redacted version of the requested report, thereby disclosing the report's front page information. The information the city redacted identifies the juvenile victims of the offense.

Section 552.101 excepts from required public disclosure information considered to be confidential by law, including information made confidential by statute. Section 261.201 of the Family Code provides that, except as otherwise provided in that section or for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency, the files, reports, records, communications, and working papers used or developed in an investigation under Family Code chapter 261 are confidential. Fam. Code § 261.201(a)(2). The reports consist of records used or developed in an investigation made under chapter 261 of the Family Code. Because you have not cited any specific rule that the city has adopted with regard to the release of this type of information, we assume that no such rule exists. Given that assumption, the requested records are confidential pursuant to section 261.201 of the Family Code. *See* Open Records Decision No. 440 (1986) at 2 (construing predecessor provision). The city must withhold the requested reports from public disclosure based on section 552.101 of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 104440

Enclosures: Submitted documents

cc: Ms. Sharon Jayson
Austin American Statesman
P.O. Box 650
Austin, Texas 78767-0670
(w/o enclosures)